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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re

Application of: Harris, et. al.

Group No.: 2886

Examiner: Tara S. Pajoohi

Serial No.: 10/699,522

Docket No. 88030078

Filed: October 31, 2003

For: **Non-Contact Profile Measurement System**

Certificate of Mailing

I hereby certify that this correspondence, and attachments, if any, is being deposited with the United States Postal Service by First Class Mail, postage prepaid, in an envelope addressed to "Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below. **DATE: June 15, 2009**

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RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

MAIL STOP: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Non-Compliant Amendment mailed 04/17/2009 has been carefully considered.

It is noted that this Notice indicates that the amendment document filed in connection with the referenced matter on 2/11/2009 is considered to be non-compliant because it has failed to meet certain requirements of 37 CFR §1.121 or 1.4. In particular, the notice indicates that the amendments to the claims that were submitted are non-

compliant because, "the new claims added in the response filed on 3/4/2008 should have started with claim 36-50."

Applicant submits herewith a marked-up and a clean version of the claims submitted 02/11/2009. This marked up version shows how the claims have now been re-numbered to correct/resolve the problems noted in the Notice of Non-Compliant Amendment mailed 04/17/2009. More specifically:

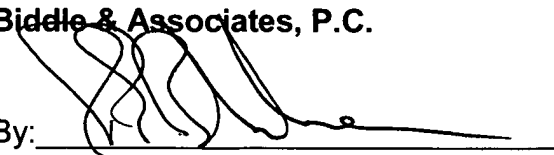
- New Claims 35 – 39 have been renumbered as Claims 36 – 40.
- Original Claim 35 has been cancelled.
- New Claims 43 – 50 have been renumbered as New Claims 42 – 49.
- Due to renumbering Claim 50 no longer appears.

In view of the above, it is believed that all issues of non-compliance have been resolved previously. In addition, it is believed that the dependency of the pending claims is proper, as no apparent problems are evident to the undersigned. Reconsideration, acceptance and entry of the previously submitted claim amendments is respectfully requested.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (678) 352-0103.

Respectfully submitted,

Biddle & Associates, P.C.

By: 

Robert P. Biddle

(Reg # 35, 826)